

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE CALDERON, *et al.*,  
Plaintiffs,

-v-

919 PROSPECT AVENUE LLC, *et al.*,  
Defendants.

22-CV-96 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On May 6, 2024, Plaintiffs filed a letter motion requesting an order granting Plaintiffs leave to effect alternative service of a subpoena on non-party Monte Shinn and compelling Shinn to appear for a deposition before the end of fact discovery. (ECF No. 121.) Defendants have not filed any response to Plaintiffs' letter.

The Court grants Plaintiffs' requested relief. First, the Court grants Plaintiffs leave to effect alternative service and finds that Plaintiffs' service of Shinn's cotenant on April 17, as described in the letter motion at ECF No. 121, constitutes effective service. *See SEC v. Pence*, 322 F.R.D. 450, 454 (S.D.N.Y. 2017) (explaining that because "nothing in Rule 45's language itself calls for personal service, district courts in recent years have authorized alternative service that is reasonably designed to ensure that a witness actually receives a subpoena" (internal quotation marks and citation omitted)).

Second, the Court grants Plaintiffs' motion to compel Shinn to appear for a deposition before the end of fact discovery, as the subpoena was properly issued and the information sought by the subpoena is relevant to the proceeding.

Third, the Court extends the fact discovery deadline by seven days to May 21, 2024, given the need for Shinn to be deposed before the end of fact discovery. Accordingly, Shinn must make himself available for a deposition by May 21, 2024.

Finally, the parties are directed to file a joint status letter by May 21, 2024.

SO ORDERED.

Dated: May 14, 2024  
New York, New York



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J. PAUL OETKEN  
United States District Judge